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3 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**  
4 **APPEALS HEARING OFFICER MEETING**

5  
6 **Thursday, December 12, 2019**  
7 **5:00 p.m.**  
8 **2277 East Bengal Boulevard**  
9 **Room 124, Council Conference Room**

10  
11 ***ATTENDANCE***

12  
13 **Present: Paxton Guymon, Appeals Hearing Officer**  
14 **Kip Adams, Applicant**  
15 **Mitch Evans, Applicant**

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17 **Staff: Samantha DeSeelhorst, Associate City Planner**  
18 **Michael Johnson, CED Director**  
19 **Heather Sundquist, Deputy City Recorder**  
20

21 **1.0 WELCOME AND ACKNOWLEDGMENTS**

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23 Appeals Hearing Officer, Paxton Guymon called the meeting to order at 5:00 p.m.

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25 AHO Guymon introduced himself and stated that he is a real estate attorney by profession with a  
26 background in land use and real estate issues.

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28 **2.0 ACTION ITEMS**

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30 **2.1 (Project AHO-19-004) – Action on a Request from Praxair, Inc. for the**  
31 **Relocation of a Non-Conforming Structure at 6880 South 2300 East, within**  
32 **the CR (Regional Commercial) Zone.**  
33

34 CED Director, Michael Johnson reported that earlier in the day staff received additional  
35 clarification. Associate City Planner, Samantha DeSeelhorst provided a background of the project  
36 and reported that the applicant is requesting to relocate existing tanks on the property that hold  
37 oxygen, nitrogen and, argon. The tanks are currently located near the north property line with the  
38 intent being to move them closer to the interior of the site. In addition to the proposed relocation,  
39 the applicant has asked to upgrade some of the equipment.

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41 The site plan was displayed. Clarification was received from the applicant regarding the  
42 equipment specifications. The existing tanks range from 7 to 8 feet in diameter and 18 to 25 feet  
43 in height. The range for the new tanks is 7 to 9 ½ feet in diameter and 35 ½ to 39 feet in height.  
44 Ms. DeSeelhorst noted that the maximum height allowed in the zone is 35 feet. Staff informed the  
45 applicant that their recommendation of approval is contingent upon the height requirement not  
46 being exceeded. That will be verified along with other standards in the building permit phase.  
47 Staff recommended approval with the findings and conditions set forth.

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2 Co-applicant, Mitch Evans reported that he was informed earlier in the day that the tanks meet the  
3 maximum 35-foot requirement. They were previously considering using tanks in their inventory  
4 but instead went with a smaller capacity tank to comply with the height limit. Ms. DeSeelhorst  
5 stated that the height will be measured from the average existing grade. The co-applicant, Kip  
6 Adams, stated that increasing the size of the tanks will reduce the amount of traffic to and from  
7 the site. It will also help reduce noise.  
8

9 *Li Zhong* gave his address 2134 Worchester Drive and stated that his father, John owns property  
10 at 6795 South 2240 East, which is adjacent to the site.  
11

12 AHO Guymon explained that what is proposed is to provide updated and safer equipment that is  
13 less noisy. The equipment will also be further away from the residences and will be more energy  
14 efficient. The matter was being addressed at this meeting because it is a non-conforming use.  
15 Because the use has existed since 1951, it is pre-existing and allowed to continue as long as the  
16 nature of the non-conformity is not expanded. AHO Guymon suggested that what is proposed is  
17 positive and he was aware of no negative impacts. Ms. DeSeelhorst clarified that the application  
18 does not eliminate the need for a building permit to be obtained.  
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20 *AHO Guymon approved the application subject to the condition that the new equipment does*  
21 *not exceed 35 feet in height above average grade.*  
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### 23 **3.0 CONSENT AGENDA**

#### 24 **3.1 Approval of December 12, 2019 Minutes.**

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27 *(The Appeals Hearing Officer will approve the minutes of the December 12, 2019, meeting after*  
28 *the following process is met. The Recorder will prepare the minutes and email them to the hearing*  
29 *officer. The Hearing Officer will have five days to review the minutes and provide any changes to*  
30 *the recorder. If, after five days there are no changes, the minutes will stand approved. If there*  
31 *are changes, the process will be followed until the changes are made and the hearing officer is in*  
32 *agreement, at which time the minutes shall be deemed approved.)*  
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### 34 **4.0 ADJOURNMENT**

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36 The Appeals Hearing Officer Meeting adjourned at approximately 5:09 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the*  
2 *Cottonwood Heights City Appeals Hearing Officer Meeting held Thursday, December 12, 2019.*  
3

4 Teri Forbes

5 Teri Forbes  
6 T Forbes Group  
7 Minutes Secretary